

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)
Shinje KIM et al.) Group Art Unit: 1638
Application No.: 10/577,433) Examiner: Medina Ahmed IBRAHIM
Filed: April 27, 2006) Confirmation No.: 2079
For: MOLECULAR MARKER)
ASSOCIATED WITH CMV)
RESISTANCE AND USE THEREOF)

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In complete response to the Restriction and Election Requirement mailed June 24, 2010, Applicants submit herewith the following response.

The Examiner has required restriction to one of the following three Groups:

Group I: Claims 1-3, 5-10, and 15-16, drawn to an isolated nucleic acid or a primer thereof and a method of using said nucleic acid or primer thereof for detection of CMV resistant plant;

Group II: Claims 4, and 14, drawn to a kit; and

Group III Claims 11-13 and 17 drawn to CMV resistant plant/seed.

Applicants hereby provisionally elect Group I drawn to an isolated nucleic acid or a primer thereof and a method of using said nucleic acid or primer thereof for detection of CMV resistant plant, without traverse. Claims 1-3, 5-10, and 15-16 are directed to the elected group.

This election is made without prejudice to or disclaimer of any non-elected subject matter. Applicants reserve the right to file one or more continuation and/or divisional applications directed to any non-elected subject matter.

Further favorable action in the form of a Notice of Allowance is believed to be next in order and is earnestly solicited. In the event that there are any questions related to this response, or the application in general, it would be appreciated if the Examiner would telephone the undersigned attorney at the below-listed telephone number concerning such questions so that prosecution of this application may be expedited.

In the event that this paper is not timely filed within the currently set shortened statutory period, Applicants respectfully petition for an appropriate extension of time. The fees for such extension of time may be charged to our Deposit Account No. 02-4800. In the event that any additional fees are due with this paper, please charge our Deposit Account No. 02-4800.p

Respectfully submitted,

BUCHANAN INGERSOLL PC

Date: July 26, 2010

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